

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL R. BURNS,

Defendant.

Case No. 03-03011-01-CR-S-MDH

ORDER

Before the Court is Defendant's motion for reconsideration (Doc. 294) of a previous order on motion for compassionate release (Doc. 290). In 2003, Defendant was convicted of conspiracy to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A). Defendant was sentenced to 360 months' imprisonment. The defendant, who was awarded home confinement from the Bureau of Prisons (BOP), requests this Court to terminate his sentence early. Defendant again argues that home confinement does not reduce his risk of reduction enough, because he is required to ride in a car with his daughter for two hours to check in with a counselor once a month and obtain healthcare and he fears that he may be recalled to serve his time in a BOP institution after post-pandemic normalization. (Doc. 294)

The Government opposes Defendant's Motion. The government again states that the BOP has already afforded the Defendant the relief he requested, and now that the Defendant has been transferred to home confinement, there is no longer extraordinary and compelling reason to vacate the remainder of his sentences under 18 U.S.C. § 3582(c)(1)(A)(i). (Doc. 296). This Court agrees. In addition, Defendant's concern of being recalled to a BOP facility is not an issue ripe for the Court's review at this time.

After careful consideration of the record before the Court, including the arguments contained in the government's response, the Court hereby **DENIES** Defendant's motion. The Court finds that the Defendant has not established that his circumstances are so extraordinary or compelling that the remainder of his sentence should be vacated.

IT IS SO ORDERED.

DATED: March 23, 2021

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE